

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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STACEY MERCER,

Plaintiff,

v.

Case No. 1:20-cv-6461-LGS

HENRY HOTELS, INC.,
a Maine corporation

Defendant.

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**NOTICE OF MOTION TO DISMISS THE COMPLAINT ON
BEHALF OF DEFENDANT HENRY HOTELS, INC.**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss and all other papers, Defendant Henry Hotels, Inc., by and through undersigned counsel, moves this honorable court, before Honorable Lorna G. Schofield, at the Thurgood Marshall United States Courthouse for the Southern District of New York located at 40 Foley Square, New York, NY 10007, for an order dismissing with prejudice all claims in the complaint against the Defendant for lack of personal jurisdiction over the Defendant, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure. The basis of its motion is fully set forth in the accompanying Memorandum of Law, and the Declaration of Peter D. A. Hastings.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1(b)(2) of the Local Rules of Practice of the United States District Court for the Southern District of New York, any papers to be submitted in opposition to Defendant's motion must be filed with the Court and served upon counsel for defendant within fourteen (14) days.

Dated: Portland, Maine
September 10, 2020

Respectfully Submitted,

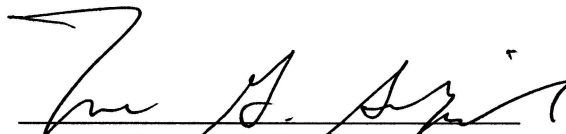
HENRY HOTELS, INC.

BY /s/ Alfred J. Falzone III
Alfred J. Falzone III, Esq.
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Defendant's motion to dismiss is not compliant with the Individual Rules. Per Individual Rule III.C.2, although a pre-motion conference is not required for a motion to dismiss, the movant must file a pre-motion letter with the Court in the manner provided in Individual Rule III.A.1. Defendant's deadline to answer or otherwise respond to the Complaint is extended to **September 17, 2020**. Defendant shall file a pre-motion letter by **September 17, 2020**. Per Individual Rule III.C.2, the transmittal of a pre-motion letter for a proposed motion under Federal Rule of Civil Procedure 12(b), stays the time to answer or move until further order of the Court. So Ordered.

The Clerk of Court is respectfully directed to strike Dkt. Nos. 9, 10 and 11.

Dated: September 11, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

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CERTIFICATION OF SERVICE

I hereby certify that a copy of the Notice of Motion to Dismiss was filed electronically with the Clerk of the Court using the CM/ECF system on September 10, 2020, and that notification of the filing will be sent by email to:

Erik M. Bashian, Esq.
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/s/ Alfred J. Falzone, III

Alfred J. Falzone, III, Esq.